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First session
Geneva, 17–18 October 2016
Item 3 (b) of the provisional agenda
Method of work and work programme for the Intergovernmental Group of Experts on Consumer Protection Law and Policy for the period 2016–2020, including consultations and discussions regarding peer reviews on consumer protection law and policy, capacity-building and technical assistance on consumer protection law and policy

Method of work and work programme, 2016–2020

Note by the UNCTAD secretariat

Executive summary

On 22 December 2015, the General Assembly adopted resolution 70/186 on consumer protection, including the revised United Nations guidelines for consumer protection and establishment of the Intergovernmental Group of Experts on Consumer Protection Law and Policy to provide the international institutional machinery for the guidelines. This note develops a method of work and work programme for the Group from 2016 to 2020, when the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices will be held.

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Introduction

1. On 22 December 2015, the General Assembly adopted resolution 70/186 on consumer protection, including the revised United Nations guidelines for consumer protection and establishment of the Intergovernmental Group of Experts on Consumer Protection Law and Policy, within the framework of an existing commission of the Trade and Development Board of UNCTAD, to provide the international institutional machinery for the guidelines.

2. The first session of the Group will take place on 17 and 18 October 2016. The Group is expected to adopt its method of work and work programme from 2016 to 2020, when the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices will be held. The conference will decide on the work programme for the Group between 2020 and the following conference in 2025. As stated in resolution 70/186, the Group will hold annual meetings until this following conference, when its work will be reviewed and the renewal of its mandate considered.

3. Establishment of the Group should be considered in light of the 2030 Agenda for Sustainable Development adopted in September 2015,[1] and its work should yield high-impact results that contribute to the achievement of the Sustainable Development Goals.

4. This note proposes a method of work and work programme for the Group in 2016–2020. The first chapter describes the revision of the United Nations guidelines for consumer protection. The second chapter develops a method of work and the third chapter develops a work programme. Finally, the fourth chapter proposes some questions for discussion at the first session of the Group.

I. United Nations guidelines for consumer protection revision

5. On 16 April 1985, the General Assembly adopted resolution 39/248, including the United Nations guidelines for consumer protection. The guidelines were expanded in 1999, including a new chapter on the promotion of sustainable consumption (chapter V (H) in the 2015 version).

6. In July 2012, the first ad hoc expert meeting on consumer protection recommended that UNCTAD begin a consultation process for revising the guidelines. Following consultations and a call for contributions, the secretariat prepared a note entitled "Implementation report on the United Nations guidelines for consumer protection (1985–2013).[2]

7. In July 2013, the second ad hoc expert meeting on consumer protection discussed the report and its conclusions and proposed the creation of four working groups (on electronic commerce (e-commerce), financial services, other issues and implementation) to assist in preparing a report on modalities for revision of the guidelines to be submitted to the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.

8. In January 2015, the third ad hoc expert meeting on consumer protection discussed the report on modalities and its conclusions, and other issues highlighted by member States and stakeholders as candidates for new provisions in the guidelines. A text was negotiated at the technical and diplomatic level between January and June 2015.

[1] A/RES/70/1.

[2] TD/B/C.I/CLP/23.

9. The Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, held from 6 to 10 July 2015, adopted a draft resolution on consumer protection and the revised guidelines and requested the General Assembly, at its seventieth session, to consider the adoption of the resolution and the revised guidelines.

10. The operative clauses of the ensuing resolution 70/186 are shown in box 1. Implementation of operative clause 7 will begin with the first session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy in 2016. The session will discuss the method of work and work programme for the Group.

Box 1
Resolution 70/186 on consumer protection: Operative clauses

The General Assembly,

...

1. *Decides* to adopt the revised United Nations guidelines for consumer protection annexed to the present resolution, of which they form an integral part;

2. *Requests* the Secretary-General to disseminate the guidelines to Member States and other interested parties;

3. *Requests* all organizations of the United Nations system that elaborate guidelines and related documents on specific areas relevant to consumer protection to distribute them to the appropriate bodies of individual States;

4. *Recommends* that Member States implement the present resolution and the guidelines contained in its annex;

5. *Requests* the secretariat of the United Nations Conference on Trade and Development to exchange information on progress and experiences regarding the implementation of the present resolution, review that information and report to the General Assembly on this subject on the occasion of the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

6. *Requests* the United Nations Conference on Trade and Development to promote the guidelines and to encourage interested Member States to create awareness of the many ways in which Member States, businesses and civil society can promote consumer protection in the provision of public and private goods and services;

7. *Decides* to establish an intergovernmental group of experts on consumer protection law and policy within the framework of an existing commission of the Trade and Development Board of the United Nations Conference on Trade and Development, which will operate until the holding of the Ninth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, at which its work will be reviewed and the renewal of its mandate considered;

8. *Also decides* that the necessary resources should be made available within the United Nations Conference on Trade and Development to carry out the tasks embodied in the revised guidelines through the reallocation of existing resources and/or the use of extrabudgetary resources from voluntary contributions;

9. *Requests* the Secretary-General to continue to promote effective implementation of the guidelines by Member States, businesses and civil society.

II. Method of work

11. One of the most significant innovations of the revised guidelines is guidelines 95 to 99 in chapter VII, which state that the Intergovernmental Group of Experts on Consumer Protection Law and Policy will provide the institutional machinery for the guidelines. Chapter VII (97) details the functions of the Group. In addition, guideline 87 in chapter VI on international cooperation should also be considered by the Group. These guidelines are shown in box 2. The Group is currently served by the Competition and Consumer Policies Branch, Division on International Trade in Goods and Services, and Commodities.

Box 2

Intergovernmental Group of Experts on Consumer Protection Law and Policy: Functions

87. Member States are invited to designate a consumer protection enforcement agency or a consumer protection policy agency to act as a contact point to facilitate cooperation under these guidelines. Those designations are intended to complement and not replace other means of cooperation. Such designations should be notified to the Secretary-General.

95. An intergovernmental group of experts on consumer protection law and policy, operating within the framework of an existing commission of the Trade and Development Board of the United Nations Conference on Trade and Development, will provide the institutional machinery.

96. Member States should take appropriate steps at the national or regional levels to implement these guidelines.

97. The intergovernmental group of experts on consumer protection law and policy shall have the following functions:

(a) To provide an annual forum and modalities for multilateral consultations, discussion and exchange of views between Member States on matters related to the guidelines, in particular their implementation and the experience arising therefrom;

(b) To undertake studies and research periodically on consumer protection issues related to the guidelines based on a consensus and the interests of Member States and disseminate them with a view to increasing the exchange of experience and giving greater effectiveness to the guidelines;

(c) To conduct voluntary peer reviews of national consumer protection policies of Member States, as implemented by consumer protection authorities;

(d) To collect and disseminate information on matters relating to the overall attainment of the goals of the guidelines and to the appropriate steps Member States have taken at the national or regional levels to promote effective implementation of their objectives and principles;

(e) To provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies;

(f) To consider relevant studies, documentation and reports from relevant organizations of the United Nations system and other international organizations and networks, to exchange information on work programmes and topics for consultations and to identify work-sharing projects and cooperation in the provision of technical assistance;

(g) To make appropriate reports and recommendations on the consumer protection policies of Member States, including the application and implementation of these guidelines;

(h) To operate between and report to the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

(i) To conduct a periodic review of the guidelines, when mandated by the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices;

(j) To establish such procedures and methods of work as may be necessary to carry out its mandate.

98. In the performance of its functions, neither the intergovernmental group nor its subsidiary organs shall pass judgment on the activities or conduct of individual Member States or of individual enterprises in connection with a specific business transaction. The intergovernmental group or its subsidiary organs should avoid becoming involved when enterprises to a specific business transaction are in dispute.

99. The intergovernmental group shall establish such procedures as may be necessary to deal with issues related to confidentiality.

12. The following sections develop a method of work for the Intergovernmental Group of Experts on Consumer Protection Law and Policy, replicating the successful experiences of the existing Intergovernmental Group of Experts on Competition Law and Policy.[3]

A. Review of work

13. The Intergovernmental Group of Experts on Consumer Protection Law and Policy operates between and reports to the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, held every five years.[4] The eighth conference in 2020 will review the work of the Group and decide on its work programme in 2020–2025, and the ninth conference in 2025 will review its work and consider the renewal of its mandate.

B. Membership and participation

14. All Member States of the United Nations are ipso jure members of the Group. As done for the Intergovernmental Group of Experts on Competition Law and Policy, all relevant stakeholders will be invited to actively participate in discussions of the Intergovernmental Group of Experts on Consumer Protection Law and Policy, including the following: permanent missions to the United Nations Office at Geneva, government-level consumer protection authorities and other interested government authorities (representing Member States), international organizations, academia, civil society organizations (particularly international consumer associations) and international business associations. Invitations to sessions of the Group will be sent to permanent missions in Geneva and to those on the secretariat's contact list. Online registration will open some months before a session; registration must be done on the website.[5]

C. Decision-making

15. The Group will work on the basis of consensus, notwithstanding internal procedures that may be adopted (see section G). Member States will participate in the formal decision-making process, which will consist of deciding on the work programme and drawing up the annual agenda; conducting consultations on and adopting agreed conclusions;

[3] See http://unctad.org/en/Pages/DITC/CompetitionLaw/Intergovernmental-Group-of-Experts-on-Competition-Law-and-Policy.aspx.

[4] A/RES/35/63.

[5] For the first session, see http://unctad.org/en/pages/MeetingDetails.aspx?meetingid=1060.

and reviewing the work of the Group and considering the renewal of its mandate by the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.

D. Venue and side events

16. In fulfilling the mandate in guideline 97 (a), the Group will hold its annual session at the United Nations Office at Geneva, unless Member States decide otherwise. In parallel with the official agenda, UNCTAD will provide space (upon availability of rooms) for participants to organize side events. Responsibility for side events rests with the organizers.

E. Adoption of agenda, election of officers and adoption of agreed conclusions

17. The secretariat will circulate a draft provisional agenda along with invitations four months in advance of a session, and Member States will be invited to provide comments. At the opening of each session, the Group will elect a Chair and two Vice-Chair-cum-Rapporteurs, ensuring a balanced geographical representation of Member States. The Group will then adopt its agenda and organization of work.

18. At the end of each session, the group will adopt its agreed conclusions for the session. This document will reflect accurately and concisely the discussions of the Group and decisions on issues for discussion at the next session. None of the declarations contained in the agreed conclusions will be legally binding per se on Member States.

F. Resources

19. Resolution 70/186 states that the necessary resources should be made available within UNCTAD to carry out the tasks embodied in the revised guidelines through the reallocation of existing resources and/or the use of extrabudgetary resources from voluntary contributions. The secretariat invites Member States to express their interest in providing extrabudgetary contributions for this purpose.

G. Procedures and method of work

20. Guideline 97 (j) states that the Group shall establish such procedures and methods of work as may be necessary to carry out its mandate. It is proposed that the Group follow the standard procedures and methods of work for intergovernmental meetings at UNCTAD, without the need to adopt any specific procedures or methods.

H. Abstention from judgment and confidentiality

21. It may be noted that the rules of procedure for the Intergovernmental Group of Experts on Competition Law and Policy contain the same provisions as those in guidelines 98 and 99 (see box 2), and that the situations described therein have not arisen to date.

III. Work programme

22. In accordance with past practice with regard to the Intergovernmental Group of Experts on Competition Law and Policy, the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices shall decide on the work programme of the Intergovernmental Group of Experts on Consumer Protection Law and Policy. As the Group had not yet been established at the time of the seventh conference, the Group is expected to adopt its work programme for 2016–2020 at its first session.

23. In order to fulfil its mandate as detailed in the guidelines, the Group may wish to focus its work in 2016–2020 on the implementation of the guidelines, studies and research, voluntary peer reviews and capacity-building and technical assistance. The Group may also wish to consider other functions as noted in the guidelines, such as reports and recommendations, periodic reviews of the guidelines and contact points. The decisions of the Group at its first session will be contained in the agreed conclusions.

A. United Nations guidelines for consumer protection implementation

24. One of the most salient functions of the Group is to oversee implementation of the guidelines, through the following:

(a) Providing an annual forum for multilateral consultations, discussion and exchange of views between Member States on matters related to the guidelines (guideline 97 (a));

(b) Collecting and disseminating information on matters relating to the overall attainment of the goals of the guidelines (guideline 97 (d));

(c) Considering relevant studies, documentation and reports from relevant organizations and networks (guideline 97 (f)).

25. The Group may wish to fulfil these functions on a continuous basis in 2016–2020 through an informal annual stocktaking of national and international implementation activities. This may lead to the preparation of a note by the secretariat on the implementation of the guidelines in 2016–2020, to be submitted to the Eighth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices.[6]

B. Studies and research

26. In its outcome resolutions, the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices usually identifies clusters of issues and topics for informal consultations and discussions by the Intergovernmental Group of Experts on Competition Law and Policy.[7] Such discussions are usually facilitated by research prepared by the

[6] A similar report was prepared in 2013; see paragraph 6.

[7] The seventh conference reaffirmed that future sessions of the Intergovernmental Group of Experts on Competition Law and Policy should include four clusters of issues for informal consultations, with special focus on practical cases, namely, competition and inclusive and sustainable development; best practices in the design and enforcement of competition law and policy and its interaction with consumer protection; provision of capacity-building and technical assistance; and international cooperation and networking.

secretariat. In this regard, guideline 97 (b) provides a similar function for the Intergovernmental Group of Experts on Consumer Protection Law and Policy.

27. The first session of the Group is expected to decide on the issues that should be covered by its studies and research in 2017–2020. It is proposed that the Group discuss two substantive issues at each session, for a total of eight studies in the form of notes prepared by the secretariat. The Group may wish to focus its studies and research on new issues included in the revised guidelines, dividing them into horizontal issues and vertical or sectoral issues, which may include the following:

(a) Horizontal: legal and institutional framework; consumer protection enforcement, dispute resolution and redress; consumer empowerment; good business practices; advocacy;

(b) Vertical or sectoral: e-commerce; financial services; data protection; public utilities; energy; tourism.

28. It is proposed that the Group select one horizontal issue and one vertical or sectoral issue to discuss at each session. The secretariat recently undertook informal consultations on possible issues for studies and research, and the results were as follows:

(a) Horizontal issues:

(i) Implementing the Sustainable Development Goals through consumer protection law and policy;

(ii) How best to protect consumers and foster international trade in modern trade agreements;

(iii) How consumer protection should best adapt to the collaborative economy;

(iv) Role of media in empowering vulnerable consumers;

(v) Maximizing impact in consumer protection education and information campaigns;

(vi) Cost-effectiveness in alternative dispute resolution;

(vii) Cross-border cooperation in law enforcement;

(b) Vertical or sectoral issues:

(i) Information requirements in e-commerce, towards a global minimum standard;

(ii) Development perspective of financial consumer protection;

(iii) Current state of global consumer data protection;

(iv) Consumer rights in the energy sector;

(v) Maximizing the welfare of consumers of public utilities;

(vi) Cross-border cooperation in the tourism sector.

29. The secretariat will continue to undertake informal consultations with Member States and other relevant stakeholders in preparation for discussions at the first session of the Group.

C. Voluntary peer reviews

30. UNCTAD launched its voluntary peer reviews on competition policy in 2005. Since then, the peer reviews have been dedicated to enhancing the quality and effectiveness of the

competition policy enforcement framework in Member States. They involve the scrutiny of competition policy as embodied in competition law and reflect the effectiveness of institutions and institutional arrangements in enforcing competition law.

31. Drawing from this successful experience, guideline 97 (c) requests the Intergovernmental Group of Experts on Consumer Protection Law and Policy to conduct voluntary peer reviews of the national consumer protection policies of Member States, as implemented by consumer protection authorities. The following sections outline a suggested methodology for voluntary peer reviews on consumer protection.

1. Selection criteria

32. Peer reviews are voluntary, and interested consumer protection authorities are invited to direct their requests through their respective permanent missions to the United Nations Office at Geneva. Candidates will be assessed on the following criteria:

(a) Experience: number of years in implementing consumer protection policies;

(b) Suitability: opportunity for policy reform;

(c) Sustainability: appropriate capacities for implementing and monitoring the peer review recommendations and ensuing technical cooperation project, if applicable.

2. Peer reviewers

33. UNCTAD identifies and invites reviewers to constitute a panel of peer reviewers, usually consisting of three, but at times four or five, members. The panel, consisting of the independent consultant(s) and UNCTAD staff members, are responsible for undertaking consultations and preparing a draft review report. Reviewers are usually officials or respected academics from Member States of the United Nations. Participation by peers – equal in ability, standing, rank or value – from Member States at different levels of development brings together contemporaries who share a common interest in the relevant matters, and offers an additional and valuable contribution to the review process. UNCTAD provides secretarial and technical support, and capacity-building for the follow-up of the recommendations of the peer review, which countries may decide to implement.

3. Process

34. The various activities and approximate time frames for each phase of a peer review process are shown in box 3. Peer reviews start with consultations and culminate in a detailed draft report, which the country undergoing review has the opportunity to assess for factual errors before it is finalized. The second phase is an assessment, which is a formal interactive exchange between the panel of peer reviewers and the country undergoing review, based on the findings in the report. The role of the reviewers is advisory and focused on assisting the authority under review to address weaknesses and identify solutions for problems. During the interactive discussion, officials from the authority under review have the opportunity to clarify the findings and recommendations in the report. In addition, other States may pose questions and provide insight on issues arising from the report, drawing from their own experiences. The strengths and weaknesses of a country's framework are identified during the consultations and assessment, and the identification of strengths contributes to the general identification and exchange of good practices among Member States. The assessment phase concludes with a discussion on the way forward and the consideration of strengths and areas and issues for possible improvement. If required, UNCTAD prepares a capacity-building project proposal for consideration by the country and potential funding partners, which is implemented in the post-assessment phase.

Box 3
Peer review process

Phase	*Activities*	*Duration*	*Output*
Consultations	Identify and contract independent consultant(s) Prepare schedule of interviews and undertake fact-finding mission to country Prepare draft report and send to authority under review to correct errors of fact Finalize report	Up to six months	Review report
Assessment	Constitute panel of reviewers Prepare capacity-building project proposal Conduct formal assessment Discuss project proposal	Two months	Project proposal Report of proceedings
Post-assessment	Finalize capacity-building project proposal Secure funding Implement project	Varies	Project report

4. Impact

35. By agreeing to share its work with others, a State that volunteers for a peer review facilitates a truthful and proactive self-assessment that helps pinpoint strengths and weaknesses in an environment that allows for external participation without creating an interrogative or hostile atmosphere. The inclusive nature of the consultations phase boosts the confidence of other stakeholders in the authority under review and signals an outward rather than inward orientation. The emphasis on an exchange of experience in the assessment phase means that the authority under review (and other participants) stands to benefit from direct dialogue. With advice and encouragement, weaknesses may be addressed in a cost-effective manner with the added advantage of collaborative learning. According to an external evaluation of the peer reviews on competition policy, conducted in 2015, the reviews have been successful in many ways, including the following in particular: delivering high quality and practical recommendations with clear road maps for members to follow; increasing the capacities and impacts of agencies' work; raising awareness among other national and international stakeholders.[8]

36. At present, no other international body has a mandate to undertake voluntary peer reviews on consumer protection. This has attracted the interest of both developing and developed countries. It is proposed that the Intergovernmental Group of Experts on Consumer Protection Law and Policy undertake two voluntary peer reviews each year, one in a developing country and one in a developed country, subject to the availability of funds.

[8] UNCTAD, 2015, *External Evaluation of UNCTAD Peer Reviews on Competition Policy* (New York and Geneva, United Nations publication).
In 2005, the Jamaica Fair Trading Commission and Kenya Monopolies and Prices Commission were the first agencies to undergo the peer review process. Since then, the following have undergone peer reviews on competition policy: Tunisia (2006); West African Economic and Monetary Union (2007); Costa Rica (2008); Indonesia (2009); Armenia (2010); Serbia (2011); Mongolia (2012); United Republic of Tanzania, Zambia and Zimbabwe tripartite review (2012); Nicaragua (2013); Pakistan (2013); Ukraine (2013); Namibia (2014); Philippines (2014); Seychelles (2014); Albania (2015), Fiji and Papua New Guinea bipartite review (2015); Uruguay (2016).

D. Capacity-building and technical assistance

37. The Group is mandated to provide capacity-building and technical assistance to developing countries and economies in transition in formulating and enforcing consumer protection laws and policies (guideline 97 (e)). This mandate is more ambitious than that which may be achieved in annual sessions of the Group, and may be carried out by Member States, as well as international organizations and networks, through a number of activities and projects. For example, UNCTAD currently has four ongoing capacity-building and technical assistance projects related to consumer protection, as follows: consumer protection project with the Association of Southeast Asian Nations; project on competition and consumer protection policies in Ethiopia; programme for Competition and Consumer Protection for Latin America (COMPAL); competition and consumer protection programme for the Middle East and North African region.

38. In 2014–2015, UNCTAD, with the Association of Southeast Asian Nations secretariat, and funding from Australian Aid, implemented a regional project entitled "Strengthening technical competency for consumer protection in the Association of Southeast Asian Nations", including training programmes, modules and workshops.[9] The objective was to provide government authorities responsible for consumer protection with the necessary tools to better redress consumer complaints in six sectors, namely, product safety and labelling; telephone and Internet services and e-commerce; consumer credit and banking; the environment; health-care services; and professional services. The modules are currently being implemented at the national level, and the first national workshop was carried out in Indonesia on 6 and 7 June 2016.

39. The project on competition and consumer protection policies in Ethiopia, funded by Luxembourg, is expected to provide consumer protection guidelines, a regulation on unfair commercial practices and training workshops on consumer protection. A consumer policy for regulating unfair commercial practices in Ethiopia is being drafted.

40. In 2015–2016, COMPAL[10] implemented several activities on consumer protection in Latin America, funded by the State Secretariat for Economic Affairs, Switzerland, namely, two regional workshops on competition and consumer protection in Colombia (22–24 July 2015) and Guatemala (30–31 May 2016), the Fifth International Consumer Protection Forum, in Peru (15–16 September 2015), and two one-week training sessions for government officials by the National Institute for the Defense of Competition and Protection of Intellectual Property (INDECOPI)-COMPAL school in Peru, one on e-commerce (15–19 June 2015) – detailed in box 4 – and one on the protection of financial consumers (23–27 May 2016).

[9] The 10 member States of the Association are Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Viet Nam.

[10] COMPAL beneficiary countries are Argentina, the Plurinational State of Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

Box 4
INDECOPI-COMPAL course on protection for online consumers

As detailed in the COMPAL annual report of activities,[11] in 2015, COMPAL and the consumer protection authority of Peru, INDECOPI, launched a joint initiative for 2015–2017: the INDECOPI-COMPAL school on competition and consumer protection. The school offers high-level training courses for case handlers from competition and consumer protection member agencies of COMPAL. Each one-week face-to-face intensive course for 30 government officials is hosted at INDECOPI facilities in Lima and is followed by a two-month distance-learning course for participating home agencies.

The first face-to-face course on the protection of online consumers in Latin America, held from 15 to 19 June 2015, was delivered by university professors from Colombia and Spain and a representative from the Federal Trade Commission of the United States of America. The ensuing distance-learning course was directed by a member of an UNCTAD advisory group of experts. A total of 428 people were trained, 98 per cent of whom valued the experience as excellent. According to an internal survey, overall capacity in online consumer protection in COMPAL member agencies (including participating and non-participating staff) increased by 64 per cent in relation to perceived capacity to address policy or enforcement challenges. The school's report, entitled "To e-regulate or not to e-regulate in Latin America", included useful recommendations for member agencies.

As a result of the course, Costa Rica and El Salvador proposed amendments to their consumer protection laws to better address the challenges of e-commerce; El Salvador and Paraguay reported improvements in processing online complaints; and Colombia reported improvements in addressing inquiries and advocacy activities in the online environment.

41. UNCTAD technical cooperation programmes are funded by voluntary extrabudgetary resources from donor States. In this respect, the resolution of the Seventh United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices invited "member States in a position to do so to support the implementation of activities outlined in this resolution; and in this respect expresse[d] its appreciation and gratitude to those member States and organizations that have provided financial contributions" and also invited "intergovernmental organizations and financing programmes and agencies to provide resources for the activities mentioned in this resolution".[12] This could also apply to the Intergovernmental Group of Experts on Consumer Protection Law and Policy.

42. Sessions of the Group may be a good opportunity to showcase work and initiatives undertaken in the area of capacity-building and technical cooperation by all interested stakeholders, including, inter alia, the following: African Consumer Protection Dialogue; Andean Community; Association of Southeast Asian Nations; Central American Council of Consumer Protection; Consumers International; European Union; Food and Agriculture Organization of the United Nations; International Chamber of Commerce; International Consumer Protection and Enforcement Network; International Organization for Standardization; Organization for Economic Cooperation and Development; Organization of American States; Southern African Customs Union; Southern African Development Community; Southern Common Market; Union of South American Nations; United Nations Commission on International Trade Law; World Health Organization; World Intellectual Property Organization; World Tourism Organization; World Trade

[11] See https://unctadcompal.org/documento/informe-anual-compal-iii-2015-2016/.
[12] TD/RBP/CONF.8/RES.

Organization. The sessions may also serve as occasions to exchange information on work programmes and topics for consultations and to identify work-sharing projects and cooperation in the provision of technical assistance, as stated in guideline 97(f).

43. One of the cornerstones of UNCTAD technical cooperation activities has been its Manual on Consumer Protection. The manual was first published in 2004 and first revised in 2008. Since the adoption of the revised United Nations guidelines for consumer protection, UNCTAD has updated the manual with new issues raised in resolution 70/186. The 2016 edition[13] provides a comprehensive tool for government officials and other interested persons and aims at raising and levelling member State capacities at the technical level. The revised version of the manual has the following structure:

(a) Part I: A consumer protection system:

(i) Consumer protection – an overview;

(ii) The United Nations guidelines for consumer protection;

(iii) Consumer law;

(iv) Consumer protection agencies;

(v) Consumer associations;

(vi) Business conduct;

(vii) Competition law and the consumer interest;

(viii) International cooperation;

(b) Part II: Consumer protection in the marketplace:

(i) Product safety and liability;

(ii) Consumer information and education;

(iii) Consumer dispute resolution and redress;

(iv) Electronic commerce;

(v) Privacy and data protection;

(c) Part III: Consumer protection and basic goods and services:

(i) Financial services;

(ii) Consumer protection in the provision of utilities;

(iii) Food for all;

(iv) Consumer protection in health care delivery;

(v) Sustainable consumption.

E. Reports and recommendations

44. Guideline 97(g) states that the Intergovernmental Group of Experts on Consumer Protection Law and Policy shall "make appropriate reports and recommendations on the consumer protection policies of Member States, including the application and implementation of these guidelines". At each annual session, the Vice-Chair-cum-Rapporteur will be responsible for drafting such a report, with the assistance of the

[13] See http://unctad.org/en/PublicationsLibrary/webditcclp2016d1.pdf.

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secretariat, which will be publicly available and open for comments and suggestions from delegates for a period of two months after the end of each session. Once comments and suggestions have been incorporated, the report will become final.

45. Reports of annual sessions will contain accurate and concise records of the discussions and consultations and will also include the text of agreed conclusions as adopted by each session.

F. United Nations guidelines for consumer protection periodic review

46. One of the weaknesses of the previous versions of the United Nations guidelines for consumer protection, as frequently voiced by Member States and other relevant stakeholders, was that they did not contain any formal mechanisms for reviews and updates. This was addressed in the 2015 revision, and guideline 97 (i) states that the Intergovernmental Group of Experts on Consumer Protection Law and Policy shall conduct a periodic review of the guidelines, when mandated to do so by the United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices. Should consensus on the need to revise the guidelines arise, the conference may mandate the Group to undertake consultations in view of recommending a revision.

G. United Nations guidelines for consumer protection contact points

47. Guideline 87, although not in the chapter on international institutional machinery, is nevertheless relevant to the work of the Group. In order to ensure a systematic record of the contact points referred to in the guideline, UNCTAD recommends that designations of contact points be notified, when possible, to the secretariat through the respective permanent missions to the United Nations Office at Geneva.

IV. Questions for discussion

48. Delegates at the first session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy may wish to consider the following questions for discussion:

(a) Should any improvement be considered of past practices of the Intergovernmental Group of Experts on Competition Law and Policy as proposed in chapters II and III in this note?

(b) Which issues should be selected for studies and research in 2016–2020?

(c) Should there be any modification to the methodology for conducting voluntary peer reviews on consumer protection as proposed in this note?